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Before the  
**FEDERAL COMMUNICATIONS COMMISSION** FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554 OFFICE OF THE SECRETARY

In the Matter of )

Policies and Rules Implementing )  
the Telephone Disclosure and )  
Dispute Resolution Act )

CC Docket No. 93-22  
RM-7990

**COMMENTS OF COX ENTERPRISES, INC.**

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April 19, 1993

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## SUMMARY

Cox Enterprises, Inc. supports regulations implementing the intent of the

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WASHINGTON, D.C. 20541

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information services ranging from weather forecasts to early information about the

relating to proposed N11 assignments, Cox consistently supports consumer safeguards.

Cox generally supports the Commission's response to the requirements of the Telephone Disclosure and Dispute Resolution Act of 1992 ("TDDRA"). In implementing the TDDRA, however, the Commission should keep several basic principles in mind. First, the scope of the Commission's rules should be limited to interstate services, because that is what Congress intended. Second, the Commission should not stifle efforts to increase the availability of legitimate pay-per-call services. Third, the Commission's rules should not inadvertently give telephone companies advantages in the pay-per-call marketplace. Finally, the Commission's recommendations to Congress regarding data services should take into account the significant differences between those services and traditional audiotext pay-per-call services.

**II. The Scope of This Proceeding Should Be Limited to Services that Are Primarily Interstate.**

In the *Notice*, the Commission invites comment on the question of whether the public interest supports a requirement that intrastate pay-per-call programs be assigned to certain designated office codes. *Notice* at ¶ 18. Since pay-per-call providers that use designated office codes will be subject to the rules enacted pursuant to the TDDRA, such a requirement would subject intrastate pay-per-call services to federal regulation. Cox believes that regulation of intrastate pay-per-call services by the Commission was not provided for in the TDDRA.

In Section 1(b) of the TDDRA, Congress set out the findings which

[REDACTED]

### **III. The Commission Should Not Act in Any Way That Unreasonably Affects the Availability of Pay-Per-Call Services.**

In the congressional findings contained in Section 1(b) of the TDDRA, Congress specifically recognizes that "pay-per-call businesses provide valuable information, increase consumer choices, and stimulate innovative and responsive services that benefit the public." TDDRA, §1(b)(2). As a provider of pay-per-call services, Cox applauds the efforts of Congress and the Commission to regulate those pay-per-call services which operate in ways that damage the reputation of the industry and are harmful to consumers. However, Cox believes that the Commission must not unnecessarily limit the availability and variety of pay-per-call services which Congress sought to preserve.

**A. As Recognized in the Notice, Diversity in Pay-Per-Call Services Is in the Public Interest.**

In the Notice, the Commission discusses the wide variety of information and services offered in pay-per-call form, including stock market quotes, crossword puzzles clues and legal advice. Notice at ¶ 3. While the



The TDDRA gives the Commission the responsibility to designate

whether the same or similar abuses exist as do with interstate 900 numbers. Because the congressional findings contained in the TDDRA focus entirely on interstate services, the Commission cannot prudently proceed with regulation of intrastate services until it has gathered pertinent information.<sup>3/</sup>

Information about local pay-per-call providers is best obtained by requiring that number-assigning bodies report on the numbers used for pay-per-call services in their areas and the types of services that are provided. The TDDRA requires common carriers to collect such information and the Commission should require common carriers to report this information to the Commission. 47 U.S.C. §228(c)(2). Without gathering this information, it would be ill-advised for the Commission to institute regulation of local pay-per-call services.

**IV. The Commission Should Act to Assure that Telephone Companies Do Not Gain Any Advantages in Pay-Per-Call Services by Virtue of Their Provision of Directory Assistance Services.**

In the Notice, the Commission proposes to adopt the definition of pay-per-call services contained in the TDDRA. *Notice* at ¶ 8. This definition specifically excludes directory services provided by common carriers and their affiliates. While the intent is consistent with the purposes of the TDDRA, this exclusion should not automatically apply to all services provided through a directory assistance number.

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<sup>3/</sup> In addition, certain aspects of the Federal Trade Commission's TDDRA implementation rulemaking may make it desirable for the Commission to gather additional data on numbers used for local pay-per-call services.

Many telephone companies are beginning to offer call completion service in connection with directory assistance. Some telephone companies are considering offering electronic yellow pages services, in some cases through a directory assistance number. If these services are not made subject to the requirements of the TDDRA, telephone companies will have a significant marketplace advantage over non-telephone providers of similar, competing information services. Accordingly, the Commission should interpret the statutory

knowledge of computer bulletin boards and must take some affirmative action to obtain access to the service. While it is still possible for fraud to occur in this setting, it is far less likely than in the typical phone call to a 900 number. This is supported by the apparent lack of complaints regarding providers of data services.

Certain provisions of the TDDRA, such as blocking requirements and billing provisions, may be equally applicable to voice and data services. However, other provisions of the TDDRA cannot be adapted easily to data services. For example, the TDDRA requires all pay-per-call services to include a preamble at the beginning of each call disclosing pertinent information about the service. TDDRA, §201(a)(2)(A). While it may be possible for certain data services to comply with this requirement, in many cases, such as facsimile services, it will not be possible for the service provider to include a preamble.

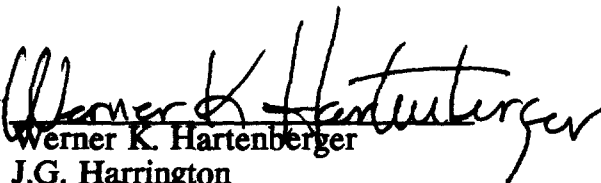
## **VI. Conclusion**

The TDDRA mandates several important steps that will help reshape pay-per-call services to assure that they serve consumers. In taking these steps, the Commission must assure that it does not stifle the growth of an important segment of the telecommunications marketplace. Thus, the Commission should not attempt to extend the reach of its regulations beyond interstate services. The Commission should act to promote the wide availability of legitimate pay-per-call services, while striving to avoid giving telephone companies undue advantages in the pay-per-call marketplace. Finally, the Commission should not attempt to shoehorn data services into the audiotext

model, because there are significant differences between these kinds of services. Cox Enterprises, Inc. respectfully submits that the proposals in these comments will help to achieve the goals of the TDDRA without stifling the pay-per-call services industries and that the Commission should adopt rules in this proceeding that are consistent with the proposals herein.

Respectfully submitted,

COX ENTERPRISES, INC.

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April 19, 1993

**CERTIFICATE OF SERVICE**

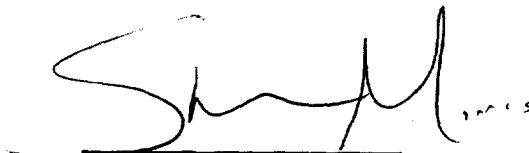
I, Steven F. Morris, hereby certify that I have on this 19th day of April, 1993, served copies of the foregoing "Comments of Cox Enterprises, Inc." by hand delivery, to the following:

The Honorable James H. Quello  
Chairman  
Federal Communications Commission  
1919 M Street, N.W., Room 802  
Washington, D.C. 20554

The Honorable Andrew C. Barrett  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 844  
Washington, D.C. 20554

The Honorable Ervin S. Duggan  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 832  
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The Honorable Sherrie P. Marshall  
Commissioner  
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A handwritten signature in black ink, appearing to read 'S. Morris', is written over a horizontal line.

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